

**CITY OF WEST DES MOINES
DEVELOPMENT AND PLANNING
CITY COUNCIL SUBCOMMITTEE MEETING
City Council Chambers**

Monday, May 14, 2018

Attending:

Council Member John Mickelson	Development Services Director Lynne Twedt
Council Member Renee Hardman	Development Services Coordinator Linda Schemmel
City Manager Tom Hadden	Planner Karen Marren
Deputy City Manager Jamie Letzring	Planner Brian Portz
City Attorney Dick Scieszinski	Planner Brad Munford
Chief Building Official Rod VanGenderen	Planner Kara Tragesser
Principal Engineer Ben McAlister	

Guests:

Item #1 – Strathmore Tower

Preston Hinkle
Louisa Sandager

Development Services Director Lynne Twedt opened the meeting of the Development and Planning City Council Subcommittee at 8:00 am.

1. Strathmore Tower

Development Services Director, Lynne Twedt introduced the topic, and noted two guests in attendance to discuss the topic before turning it over to planner, Brian Portz.

Brian Portz, Planner stated the developer of the Strathmore Apartment Houses project is proposing an 80' lattice tower structure for over the air communications of local television channels. He pointed out where they would like to position the tower as well as the 3 alternate locations where they could place it (See Attachment A). The tower will be 80' regardless which location is chosen.

He pointed out the tower cannot be placed within an 80 foot radius of any dwelling units, which is why it is confined to those specific spots on the map. In the illustration (See Attachment B) a line of sight view from Eldorado Estates is provided as some of the homes in the Eldorado Estates development are higher than the Strathmore parcel and some residents will be able to see the top of the tower. He inquired to the subcommittee members which location would they prefer.

Council Member Renee Hardman asked if the lattice tower would have four or three sides.

Mr. Portz responded that it will have three sides.

Ms. Twedt explained the differences between lattice towers and stealth poles. Stealth poles are smooth solid poles with everything in the interior of those poles. Lattice towers have a grid network that goes up. She believes they have more presence because that lattice pattern catches your eye. Per City Legal, there are rules that prevent the City from prohibiting the tower or requesting what type of tower they construct.

Council Member John Mickelson asked if the tower would include a weather beacon.

Mr. Portz responded that it did not meet that height requirement so it will not include a weather beacon.

Dick Scieszinski, City Attorney added that in his discussions with the developer stealth vs. lattice was discussed and they stated for the type of antenna they want to construct it needs to be lattice. He stated they have not resolved the height. The FCC ruling says an over-the-air transmission tower has to be allowed up to the maximum height that is needed and the developer says 80' is necessary. He continued, Staff tried to find out what the ranges are for local channels and as to why 60' wouldn't work.

Council Member Mickelson stated throughout his tenure he has been very hesitant with allowing these towers. His concern being technology is constantly changing and the necessity and height is constantly changing as well. He provided the example of the cell phone towers that now utilize small cells showing how technology has changed in recent years. He referenced a tower that was proposed 5 years ago near 81st street that is no longer necessary. Council Member Mickelson asked what would happen if in the future it is determined that an 80' tower is no longer necessary and 20' would be sufficient.

Mr. Scieszinski stated more than likely they would take the position that the tower has been approved and grandfathered in as well as raise concerns regarding the cost to replace the tower.

Deputy City Manager, Jamie Letzring posed the question that if the technology becomes obsolete, how would the City be able to force them to remove it?

Mr. Scieszinski responded that once installed they will be able to utilize it as long as it is an allowed use. As technology changes it may not conform to current standards but it conformed to the standards at the time it was constructed so it would be grandfathered in. He continued that Strathmore would probably take the position that removing it is costly and would not want to take it out as long as it is useful.

Council Member Mickelson understood 80' may be necessary today but felt the City should have the ability to request a modification if that need changes in the future.

Mr. Scieszinski said we could negotiate with them but they are going to take the position that they don't want to spend money to take it from 80' to 20' to be more aesthetically pleasing.

Director Twedt asked the Council Members, of the four locations, which one they would be more comfortable with.

Council Member Hardman stated that after speaking with some of the property owners they would prefer the height be lowered but if that is not an option, the 2nd location was most desirable of the 4 options.

Director Twedt explained that the 2nd option locates the tower further away from Eldorado Estates but Staff's concern is the location is closer to Stagecoach Drive. Instead of being buried into the site, it would be 80' off of the right-of-way and more visible to the remaining population which includes Athene and Wells Fargo, which are neighboring businesses, as well as the neighboring residential development to the east. Staff is trying to find that balance.

Council Member Mickelson asked if the businesses and residents had been noticed.

Ms. Twedt stated no public hearing has been set so no notices have been sent out.

Mr. Scieszinski inquired if all 4 locations would meet the fall requirement.

Director Twedt responded that an 80' tower requires an 80' fall zone which is why it can't be located in certain areas or near structures or road ways. Locating it further to the north helps Eldorado Estates but will have a larger impact and presence on the rest of the community.

Council Member Mickelson then asked if a decision on the location is reached will residents be notified.

Mr. Portz explained the review would be a Major Modification which does not require a public hearing.

Council Member Mickelson did not want the surrounding neighbors to be blindsided and felt the City needed to provide notice so everyone else was aware. He stated his preference for option 2 for the sake of helping the Eldorado residents. Many of them purchased lots without the expectation that there would be an 80' tower.

Council Member Hardman expressed her support for option 2 being more desirable to Eldorado Estate residents. She stated, to be transparent and fair everyone who may be impacted should be informed. She would like to see what other concerns or issues are raised from the neighboring businesses and residential development being noticed regarding the tower being placed in Location #2.

Council Member Mickelson asked Director Twedt to show the location on a map to see what other businesses would be impacted.

Ms. Twedt pointed out Aspire, a residential development that would be affected to the east.

Council Member Mickelson asked if the Aspire residents could obtain the over-the-air channels provided by the tower.

Mr. Portz responded that it would not benefit Aspire residents, just the residents of Strathmore

Louisa Sandager, Eldorado Estates expressed her support for the 2nd location. Stating as residents who will live there, it would be an obstacle they are faced with day in and day out as opposed to passersby.

Preston Hinkle, 7183 Eldorado Point explained they were aware of power lines when they purchased their lots. His concern was they are investing a lot of money into these homes that they plan to live in for the rest of their lives, and now they will have an eye sore they are forced to look at forever.

Director Twedt stated Staff will work with the developer regarding the height. They needed 80' when it was to be located further to the south. With the 2nd location approximately 20' of height is gained so an 80' tower may not be necessary.

Mr. Scieszinski stated it was discussed and Strathmore said they would still need an 80' tower but they did not provide reasoning as to why.

Director Twedt responded that in the discussion it was mentioned they must purchase it in 20' increments and were not sure if 60' would be sufficient to provide the proper reception.

Council Member Mickelson felt that was not the City's problem to address.

Ms. Twedt stated the City is relying on them as far as what their studies are saying and was unsure if we had the expertise to question that.

Council Member Mickelson reiterated his support for the 2nd location and that it should not be constructed a foot higher than what is needed today with a condition allowing the City to retroactively go back as technology changes. He also wanted the surrounding neighbors to be notified.

Direction – Council Members were supportive of locating the tower in Location #2 and also requested surrounding neighbors be notified.

2. Condominium Water Metering

Director Twedt introduced the 2nd item on the agenda, condominium water metering. Several years ago apartment buildings were treated, for tax purposes just like commercial, but now condominiums are classified as residential. The state changed their classification from commercial to residential and implemented an incremental type of rebate or roll back. There were significant savings so apartment buildings were trying to register as condos in order to get the tax breaks.

The City put in place regulations to require conversion to comply with current building codes. Working with Water Works the City required individual metering of the units if they were a condo regime. The City also applied a garage requirement, which extended that if the dwelling was to be owner occupied or under a condominium regime they had to have a garage for each unit.

With the change a few years ago classifying apartments as residential, there is no longer the tax benefit to covert apartments to a condominium regime. Water works would like to get rid of the individual metering requirement from their code. Staff sent notice around to City departments and there were no concerns or issues raised.

City Manager, Tom Hadden expressed his concern he did not think it was a good idea and asked if the change was based on ease and convenience.

Ms. Twedt replied she thought it was based on ease and less of a headache in having to deal with multiple meters within each building plus a master meter in a building.

Council Member Mickelson stated it could cause some issues if someone has a large water bill and wanted to know how that would be handled.

Ms. Twedt explained Water Works would handle any of those issues.

Chief Building Official, Rod VanGenderen added Water Works could allow or encourage sub meters similar to what is installed at Valley West Mall. In that specific situation the association or management pays the bill.

Mr. Hadden asked if this applied to energy meters as well. From his perspective, he would prefer to be responsible for his own bill.

Mr. VanGenderen responded that it did not apply to energy meters.

Mr. Scieszinski added that new construction buildings are separately metered and the City was working to regulate the conversions.

Ms. Twedt agreed and noted with new construction they are aware and install separate meters it was the conversions that the City was addressing.

Council Member Mickelson was supportive and felt consumers needed to be educated on the change.

Direction – Council Members were supportive of Water Works changing their Code to eliminate the separate metering requirement.

3. Upcoming Projects

- a. Jasper's Property (2973 105th St: Sec 5-77-26) Creation of two 5 acre parcels from original 40 tract for the construction of single family dwellings (POS-003900-2018) Kara Tragesser, Planner explained this is an Extraterritorial review in Madison County and the far southwest part of the city right across from the corporate limits. The current comprehensive plan shows neighborhood commercial so the applicants were notified that it is possible there will not be residential around them in the future. There will be a street light agreement for the undergrounding of the street lights at the time the road is improved as well as a road improvement of Timberline Lane which is where the property is located.
- b. Della Vita (Southwest corner of Primo Lane and Milan St): Subdivide property into 42 lots for development of detached townhomes (FP-003892-2018 & SP-003891-2018)
- c. Cycle Bar Premium Indoor Cycling (160 Jordan Creek Pkwy): BOA use approval to allow approx. 2,300 sf indoor cycling and fitness studio (PC-003893-2018)
- d. Hellickson Property (7280 Eldorado Pt): Rezone property from Single Family RS-20 (min 20,000sf lot) to Residential Estate RE-1A (min 40,000sf lot) to allow for construction of an accessory structure which exceeds 1,000 sf (ZC-003902-2018)
- e. Glen Oaks Plat 3 (1103 & 1107 Tulip Tree Lane): Create a .024 acre parcel for the transfer of ownership (POS-003906-2018)
- f. Alameda Office Building (6670 Vista Dr): One year extension of entitlement of site plan approval (SP-2003-027) Development Services Director, Lynne Twedt explained this is a yearly entitlement extension of site plans that have been approved for over 12 years. This entitlement allows them, if they get a user, to utilize that site plan and get started immediately on construction.
- g. Waterbury Office Building (7765 Office Plaza Dr N): One year extension of entitlement of site plan approval (SP-2003-028) Development Services Director, Lynne Twedt explained the original site plan was for the complete parcel, they have divided a portion of the parcel. If they wanted to begin development modifications would have to be made to the current site plan.

4. Minor Modifications & Grading Plans

- a. MJM Real Estate (9220 S 92nd St): Grading of imported fill (GP-003897-2018)
- b. 123 5th St: Façade modifications to replace siding and add base brick (MML1-003868-2018)

5. Other Matters

- a. Sandahl Property Rezoning – Development Services Director, Lynne Twedt discussed the request to rezone the property located at the NW corner of Mills Civic Pkwy and S. 88th Street. A Continuum Care Retirement Center (CCRC) and an apartment development for Special Need Adults are proposed on the subject sites, however the land use and zoning needs to be changed to High Density Residential.

Previously Oppiden owned a piece of land in the area and approached the City to change the land use to High Density to allow an active senior apartment building. They went to subcommittee who advised them to have discussions with the neighboring property owners. If there was no opposition or complaints to the proposed use they would be supportive of the change to High Density Residential.

Wesley Life (Edgewater) was not supportive of the land use change because they chose their location due to the anticipated office/retail that would develop on that site which they felt their residents would desire.

When Oppiden went back to subcommittee they were advised the City would not be supporting the project due to the opposition. Oppiden withdrew the project before it went to the Plan & Zoning Commission and City Council.

When Oppiden, who still owns a piece of land in the vicinity of the proposed development, received notice of the change to accommodate the CCRC and special needs individuals, they raised concerns regarding the land use change.

Council Member Mickelson did not understand their concern as the proposed project is located more than ½ a mile from their location.

Ms. Twedt responded that he was correct: the properties are not adjacent. She also noted that it was noticed for P&Z last Monday and no residents were in attendance for the meeting to voice concerns regarding the change to High Density Residential.

Dick Scieszinski, City Attorney commented that he had a brief conversation with Oppiden and they are raising issues.

Ms. Letzring felt the proposed development was a valid project for that area.

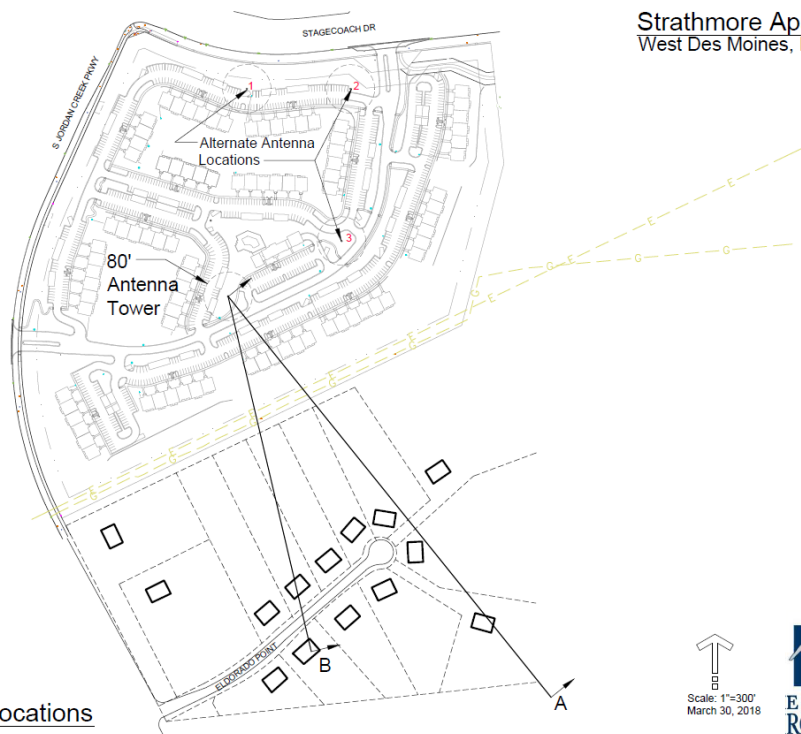
The meeting adjourned at 8:29 am

Lynne Twedt, Development Services Director

Juanita Greer, Recording Secretary

Strathmore Apartments
West Des Moines, IA

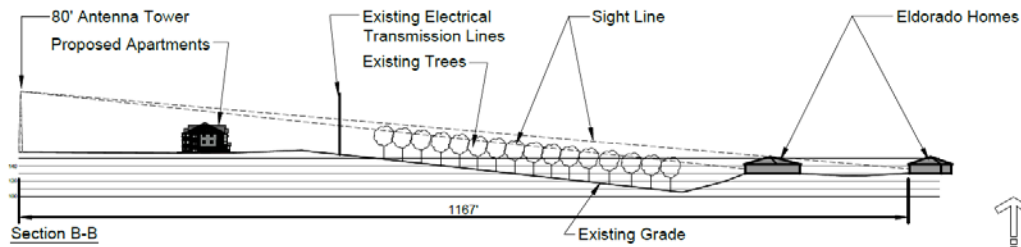
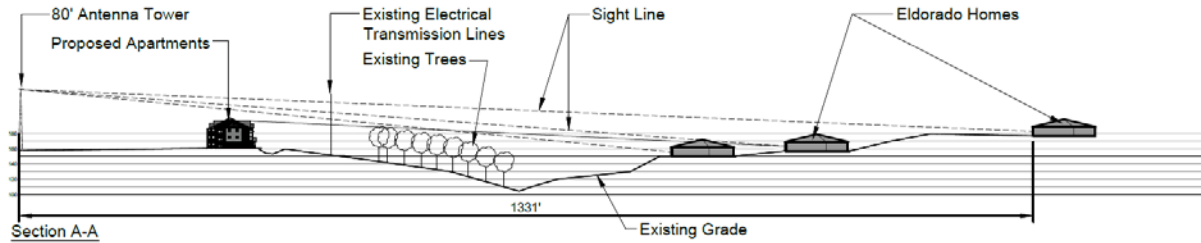
Antenna Tower Section Locations



Scale: 1"=300'
March 30, 2018



Strathmore Apartments
West Des Moines, IA



Scale: 1"=120'
March 30, 2018

